

Message Text

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SUBJ: PANAMANIAN TREATY NEGOTIATOR CALLS FOR SPIRIT OF DETENTE

REF: PANAMA 4548

SUMMARY. SPEAKING BEFORE NAVY LEAGUE IN CANAL ZONE, PANAMANIAN TREATY NEGOTIATOR, CARLOS LOPEZ GUEVARA, SAID BOTH SIDES IN CANAL TREATY NEGOTIATIONS WOULD HAVE TO COMPROMISE. HE CALLED FOR "UNDERSTANDING AND COOPERATION". KNOTTIEST PROBLEM IN NEGOTIATIONS, HE SAID, WAS NEUTRALITY AND MILITARY BASE ISSUE. HE PRAISED AMERICAN PEOPLE'S SENSE OF JUSTICE BUT REMINDED LISTENERS OF PANAMA'S VIEW THAT U S HAS REPEATEDLY VIOLATED 1903 TREATY. NEUTRALITY OF CANAL MIGHT BEST BE ACHIEVED BY TREATY RATIFIED BY ALL PERMANENT MEMBERS OF UN SECURITY COUNCIL. PANAMA WANTS ARBITRATION CLAUSE IN NEW TREATY TO AVOID CONFLICT. HIS SPEECH WAS WELL-RECEIVED BY NAVY LEAGUERS. PANAMANIAN NEWSPAPERS PUBLISHED FULL TEXT OF HIS SPEECH ON FOLLOWING DAY. END SUMMARY.

1. DR. CARLOS LOPEZ GUEVARA ADDRESSED THE PANAMA CHAPTER OF THE NAVY LEAGUE OCTOBER 8 AT RODMAN OFFICERS' CLUB IN CANAL ZONE ON LIMITED OFFICIAL USE

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THE TOPIC OF PANAMA'S POSITION ON CANAL TREATY NEGOTIATIONS.

LOPEZ OPENED HIS TALK WITH QUOTES FROM PRESIDENT NIXON AND SECRETARY KISSINGER CONCERNING THE MORAL PURPOSE AND SENSE OF MISSION OF NORTH AMERICANS, INDICATING AMERICA STANDS FOR SOMETHING ABOVE AND BEYOND ITS MATERIAL ACHIEVEMENTS. HE EXPRESSED GRATITUDE TO THE NAVY LEAGUE FOR INVITING HIM AND FOR FACILITATING PANAMANIAN-U S DIALOGUE, EMPHASIZING IT WAS "HIGH TIME FOR UNDERSTANDING AND COOPERATION."

2. SUBSTANCE OF LOPEZ' SPEECH, WHILE COVERING ALL ISSUES, FOCUSED MAINLY ON NEUTRALITY AND SOVEREIGNTY ISSUES. HE DESCRIBED NEUTRALITY AND U S MILITARY PRESENCE AS "KNOTTIEST PROBLEM" IN U S-PANAMANIAN RELATIONS, AND ARGUED THAT THE PANAMA CANAL WAS CONCEIVED BY PANAMA'S FOUNDING FATHERS AS AN INSTRUMENT OF PEACE, AS A CIVIL ENTERPRISE FOR WORLD COMMERCE, AND TO BRING WELL-BEING TO THE PANAMANIAN PEOPLE. THEREFORE IT SHOULD STOP PLAYING ROLE IN THE STRATEGIC MILITARY PLANNING OF THE UNITED STATES. NEUTRALITY MEANT OPENNESS TO ALL. ONE WAY TO ASSURE NEUTRALITY WOULD BE A TREATY RATIFIED BY ALL PERMANENT MEMBERS OF THE SECURITY COUNCIL OF THE UNITED NATIONS, UNDER WHICH THEY WOULD UNDERTAKE TO RESPECT AND GUARANTEE THE NEUTRALITY OF THE PANAMA CANAL. HE SAID BOTH SIDES SHOULD JETTISON EMOTIONS AND USE REASON TO FIND A SOUND AND DURABLE SOLUTION. THE SPIRIT OF DETENTE SHOULD PERMEATE THE U S-PANAMANIAN NEGOTIATIONS.

3. IN WANTING A NEUTRAL CANAL, PANAMA WAS NOT ASKING FOR SOMETHING NEW, SAID LOPEZ, BUT RATHER FOR SOMETHING WHICH THE UNITED STATES WAS ALREADY BOUND TO BY TREATY. HE QUOTED FROM SPEECH BY CONGRESSMAN FLOOD AGUST 1, 1974 IN WHICH HE SAID THE CONGRESSMAN CORRECTLY STATED THAT U S HAD COMMITMENT TO OPERATE CANAL UNDER RULES GOVERNING THE OPERATION OF THE SUEZ CANAL BY VIRTUE OF THE FACT THAT ARTICLE 18 OF 1903 TREATY PROVIDED CANAL WOULD BE NEUTRAL IN PERPETUITY AND OPERATED IN CONFORMITY WITH ALL STIPULATIONS OF HAY-PAUNCEFORT TREATY OF 1901 (BY WHICH U S AGREED TO ADOPT RULES EMBODIED IN CONVENTION OF CONSTANTINOPLE FOR FREE NAVIGATION OF SUEZ CANAL). HOWEVER, THE UNITED STATES HAS NOT HONORED NEUTRALITY PROVISION. U S VIOLATIONS OF TREATY INCLUDED DENIAL OF USE OF CANAL TO U S ENEMIES, STATIONING OF MILITARY FORCES WITHOUT CONSULTATION, AND DISEMBARKING TROOPS AND MUNITIONS IN TIME OF WAR. HE ARGUED THAT U S AND ALL BELLIGERENTS LIMITED OFFICIAL USE

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WERE PRECLUDED FROM USING CANAL AS AN INSTRUMENTALITY OF WAR BY EXISTING TREATIES.

4. CONCERNING SOVEREIGNTY ISSUE, HE QUOTED FROM AND REBUTTED CONGRESSMAN FLOOD'S ARGUMENT THAT PANAMA HAD RELINQUISHED SOVEREIGNTY AND HAD TRANSFERRED CANAL ZONE TERRITORY TO U S. DEFENDING SECRETARY KISSINGER AGAINST FLOOD'S CHARGES THAT THE SECRETARY HAD, IN SIGNING AGREEMENT ON PRINCIPLES, ABJECTLY

SURRENDERED U S SOVEREIGNTY OVER CANAL ZONE TO PANAMA, LOPEZ ASSERTED KISSINGER HAD MERELY REPEATED WHAT EMERGED FROM 1903 TREATY AND WHICH WAS CLEARLY EXPRESSED IN 1936 TREATY (ARTICLE III(6)).

5. SUMMARY OF HIS COMMENTS ON OTHER ISSUES FOLLOWS:

A. JURISDICTION: ALL JURISDICTIONAL RIGHTS GRANTED TO THE UNITED STATES OR TAKEN BY IT THROUGH UNILATERAL INTERPRETATION OF ARTICLE 3 OF THE 1903 TREATY MUST BE TRANSFERRED TO PANAMA. AN EX-NOVO RELATIONSHIP SHOULD BE ESTABLISHED WHEREBY SPECIFIC RIGHTS WILL BE GRANTED TO THE U S TO ADMINISTER, OPERATE AND DEFEND THE CANAL WITH THE INCREASING PARTICIPATION OF PANAMA.

B. MILITARY: A PROGRESSIVE PLAN FOR THE REDUCTION OF THE UNITED STATES MILITARY PRESENCE IN PANAMA UNTIL ITS TOTAL WITHDRAWAL WILL BE ADOPTED IN A NEW TREATY. THE CANAL IS MORE IMPORTANT TO PANAMA THAN TO THE U S; THEREFORE, PANAMA HAS A GREATER STAKE IN ITS SECURITY AND NORMAL FUNCTIONING THAN DOES THE U S.

A JOINT COMMAND IS ENVISIONED AS NECESSARY TO COORDINATE THE ACTIVITY OF U S AND PANAMANIAN NATIONAL GUARD TROOPS UNDER A STATUS OF MILITARY FORCES AGREEMENT.

C. ADMINISTRATION: HE REPEATED THE ESSENCE OF THE THRESHOLD AGREEMENT.

D. ECONOMIC BENEFITS: U S HAS NOT LIVED UP TO TREATY COMMITMENTS TO ENSURE THAT PANAMA RECEIVED FULL BENEFITS DUE IT. UNITED STATES POLICY HAS BEEN TO SUBSIDIZE WORLD COMMERCE WITHOUT TAKING INTO ACCOUNT THE INTERESTS AND RIGHTS OF PANAMA. HE CITED CEPAL STUDIES INDICATING THAT SHIPS USING THE CANAL FROM 1960 TO 1969 SAVED \$5,400,000,000 WHILE PANAMA RECEIVED LESS THAN \$20 MILLION IN ANNUITY. THIS PREVENTED PANAMA FROM ACCEPTING THE OFFER BY LIMITED OFFICIAL USE

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THE UNITED STATES NEGOTIATORS OF \$25 MILLION AS PANAMA'S SHARE IN THE REVENUES OF THE CANAL. PANAMA'S CONTRIBUTION OF ITS TERRITORY WAS WORTH MORE THAN THIS AND GOP HAD OBLIGATION TO EXPLOIT ITS GEOGRAPHIC POSITION FOR THE BETTERMENT OF ITS PEOPLE.

3. LABOR MATTERS: THE RIGHTS AND PRIVILEGES OF ALL WORKERS WILL BE MAINTAINED IN ANY NEW TREATY. COLLECTIVE BARGAINING WILL BE PRESERVED.

F. DURATION: THE CONCEPT OF PERPETUITY NO LONGER IS VALID UNDER THE NEW INTERNATIONAL MORALITY. THE TREATY SHOULD BE ENDED BY THE END OF THE CENTURY. THIS ALSO MEANS THERE COULD NOT BE RESIDUAL RIGHTS IN FAVOR OF THE UNITED STATES; HOWEVER, THE NEW GENERATION OF PANAMANIAN IN COMMAND AS TREATY EXPIRES WOULD BE

FREE TO DECIDE ON THE FUTURE RELATIONSHIP WITH THE UNITED STATES.

G. GRANSITION PERIOD: PANAMA WANTS AN ORDERLY TRANSITION OF JURISDICTION FROM THE UNITED STATES TO PANAMA. NO PUBLIC SERVICE SHOULD BE INTERRUPTED.

H. ARBITRATION: ONE OF THE CAUSES OF CONFLICT BETWEEN PANAMA AND THE UNITED STATES HAS BEEN THE LACK OF A MECHANISM TO SETTLE DISPUTES CAUSED BY THE UNILATERAL INTERPRETATIONS GIVEN TO THE TREATIES BY THE UNITED STATES. WITH A WELL DRAFTED ARBITRATION CLAUSE, NEW CONFLICTS COULD BE AVOIDED.

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6. LOPEZ CONCLUDED BY SAYING THAT WITH THE SIGNING OF A NEW TREATY THE UNITED STATES WOULD BE FULFILLING ITS OBLIGATIONS UNDER THE UNITED NATIONS CHARTER AND WOULD BE TRUE TO ITSELF. IT WOULD FULFILL A MORAL PURPOSE, DEEPLY ROOTED IN THE TRADITION OF THE AMERICAN PEOPLE: THE RESPECT FOR THE INDEPENDENCE AND TERRITORIAL INTEGRITY OF FRIENDLY NATIONS. THIS WAS IN HARMONY WITH THE MORAL FIBER OF THE AMERICAN PEOPLE.

7. ESSENCE OF LOPEZ' RESPONSES DURING QUESTION AND ANSWER PERIOD FOLLOWS.

A. HE COULD NOT ESTIMATE WHEN DRAFT TREATY WOULD BE SIGNED UNTIL BOTH SIDES REACHED AGREEMENT CONCERNING THE CONCEPTS INVOLVED IN 8 PRINCIPLES.

B. WHEN ASKED WHAT PANAMA WAS DOING TO GET ITS MESSAGE ACROSS TO "CONSERVATIVE" U S CONGRESS, LOPEZ RESPONDED THAT GOP WOULD NOT LOBBY INDIVIDUAL CONGRESSMEN OR SENATORS BECAUSE "THAT IS NOT RIGHT." BUT, WHENEVER THEY HAD AN AUDIENCE, PANAMANIAN WOULD SPEAK OPENLY, I.E. IN UNIVERSITIES, ON TELEVISION, RADIO AND PRESS. HE EXPRESSED CONVICTION THAT CHANGE OF LIMITED OFFICIAL USE

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ATTITUDES WAS UNDERWAY AT ALL LEVELS IN U S. AMERICAN PEOPLE HAVE SENSE OF JUSTICE AND THEY ARE BECOMING AWARE U S MAINTAINS COLONIAL ENCLAVE IN PANAMA. U S GOVERNMENT AND PEOPLE CANNOT HELP BUT BE AWARE THAT PANAMA HAS BEEN A FRIEND OF U S.

C. BOTH SIDES WOULD HAVE TO COMPROMISE IN ORDER TO REACH AGREEMENT. SOME PANAMANIAN WANTED U S OUT IN LESS THAN A YEAR; AND U S HAD BEEN ARGUING FOR TREATY OF 50 YEAR DURATION, WHICH FOR PANAMA EQUALLED PERPETUITY. A MIDDLE GROUND WOULD HAVE TO BE FOUND. THE RESOLUTION OF DURATION ISSUE WOULD IMPACT ON MANY OTHER ISSUES.

D. UNITED NATIONS WAS NOT INVOLVED IN THE NEGOTIATIONS. NEGOTIATIONS WERE BILATERAL AND PANAMA PREFERRED DIRECT RELATIONSHIP. PANAMA HAD MARSHALLED SUPPORT OF MANY NATIONS, HOWEVER, AND IF BILATERAL SOLUTION WERE NOT FOUND, PANAMA WOULD HAVE TO RESORT TO UN. LOPEZ THEN SAID HE WAS AN OPTIMIST AND HE BELIEVED NEGOTIATIONS WOULD SUCCEED.

8. COMMENT: LOPEZ' COMMENTS CONCERNING NECESSITY OF COMPROMISE BUILD ON THEMES DEVELOPED IN HIS JULY 31 SPEECH IN COLON (REF A), AND AGAIN IN HIS SPEECH IN DAVID SEPTEMBER 2. IN THESE, HE TOLD PANAMANIAN THAT COMPROMISES WERE NECESSARY TO OBTAIN A "LIBERATING TREATY." DURING CONVERSATIONS WITH EMBOFF, WHO ESCORTED HIM TO NAVY LEAGUE LUNCHEON, LOPEZ STRESSED IMPORTANCE OF MAKING PEOPLE - AMERICANS AND PANAMANIAN - AWARE OF THE NECESSITY FOR ACCOMMODATION. HE WAS CLEARLY PLEASED OVER OPPORTUNITY TO SPEAK TO AN AUDIENCE IN THE CANAL ZONE.
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